

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of **DeWitt et al**

Application No. 10/007,317

Attorney Docket No. 0412-P00912US3

Filed: November 5, 2001

For: **METHOD AND APPARATUS FOR SORTING AND
ACQUIRING IMAGE DATA FOR DOCUMENTS**

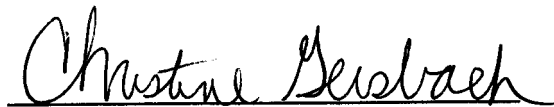
Examiner: Butler, Michael

Group Art Unit: 3653

CERTIFICATE OF TRANSMISSION

I hereby certify that this Correspondence is being filed on the date identified below with the United States Patent and Trademark Office via the EFS web system.

February 2, 2010
Date of Certificate


Christine Gersbach

RENEWED PETITION UNDER 37CFR 1.137(b)

REMARKS

On February 11, 2009, Applicants filed a Request to Revive the present application, along with a Request for Continued Examination and a Reply. A Decision On Petition dated December 22, 2009 dismissed Applicants' Petition. Applicants request reconsideration of the Petition in light of the following.

The Petitions Examiner stated the Petition lacked the required reply under 37 CFR 1.137(b) because Applicants' RCE did not include the RCE fee. However, as shown in the attached Acknowledgement Receipt, Applicants pre-authorized the payment for any additional fees required under 37 CFR 1.17 for Applicants' submission on February 11, 2009. The fees were to be paid from Applicants' attorneys USPTO deposit account.

Since the RCE fees are fees under 37 CFR 1.17, the RCE fees were authorized to be paid from deposit account no. 04-1406. Therefore, the fees were not missing.

Nonetheless, in order to ensure the completeness of the RCE and accompanying Response, Applicants' undersigned attorney hereby authorizes payment of the fees for the RCE filed February 11, 2009 (re-submitted with this Request for Reconsideration) to be paid from USPTO deposit account no. 04-1406. Applicants' undersigned attorney further authorizes payment of any other fees necessary for the completion of Applicants' submission dated February 11, 2009, as well as the present submission and accompanying papers, to be paid from USPTO deposit account no. 04-1406.

The Petitions Examiner also indicated that the s-signature on the RCE transmittal and on the amendment submitted February 11, 2009 were improper because the signer's name is not printed thereon in accordance with 37 CFR 1.4(d)(2)(iii). Applicants undersigned attorney is not clear whether this was a basis for denial of the Petition or merely a request for ratification or confirmation of the signature. Accordingly, to ensure that there is no issue with the signature for the Response and

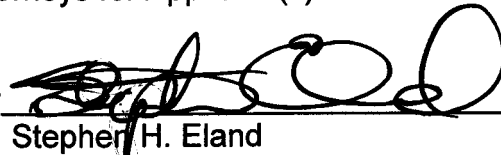
RCE, Applicants undersigned attorney is re-submitting the RCE and Response with current date and a handwritten signature for both.

In light of the foregoing, Applicants believe that all of the requirements for a grantable petition have been fulfilled. The Petitions Examiner is encouraged to contact Applicant's undersigned attorney if the Petitions Examiner believes that issues remain regarding Applicant's Petition to Revive the present application.

Respectfully submitted,

DANN, DORFMAN, HERRELL & SKILLMAN
A Professional Corporation
Attorneys for Applicant(s)

By

A handwritten signature in black ink, appearing to read "Stephen H. Eland", is written over a horizontal line.

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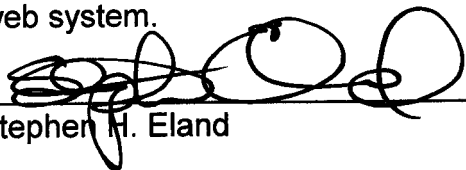
REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to: COMMISSIONER FOR PATENTS Mail Stop RCE P.O. Box 1450 Alexandria, VA 22313-1450.	Application No. 10/007,317 Filing Date: November 5, 2001 First Named Inventor: DeWitt, Robert, R. Group Art Unit: 3653 Examiner Name: Butler, Michael Attorney Docket No. 0412-P00912US3
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This is a request for a continued examination under 37 C.F.R. 1.114 of the above-identified application.

1. Submission required under 37 C.F.R. §1.114
 - a. ☐ Previously filed
 - i. ☐ Consider the unentered amendment/reply previously filed on _____
 - ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - iii. ☐ Other _____
 - b. ☒ Enclosed
 - i. ☒ Amendment/Reply
 - ii. ☐ Affidavit(s)/Declaration(s)
 - iii. ☐ Information Disclosure Statement
 - iv. ☐ Other _____
2. ☐ Request for extension: Pursuant to 37 C.F.R. §1.136, Applicant(s) request a three-month extension for filing a response to the outstanding Official Action.

SIGNATURE OF APPLICANT, ATTORNEY or AGENT	
Stephen H. Eland P.T.O. Regis. No. 41,010	 Phone (215) 563-4100 Fax (215) 563-4044

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<u>February 2, 2010</u> Date of Certificate	 Stephen H. Eland

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In re the Application of **DeWitt et al**

Application No. 10/007,317

Attorney Docket No. 0412-P00912US3

Filed: November 5, 2001

For: **METHOD AND APPARATUS FOR SORTING AND
ACQUIRING IMAGE DATA FOR DOCUMENTS**

Examiner: Butler, Michael

Group Art Unit: 3653

CERTIFICATE OF TRANSMISSION

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February 1, 2010
Date of Certificate


Christine Gersbach

RESPONSE TO FINAL ACTION

AMENDMENTS TO THE CLAIMS

Please amend the claims as follows:

- 1-16. (Canceled)
17. (Currently Amended) A method for processing envelopes containing a transaction of one or more documents, comprising the steps of:
feeding envelopes from an input bin into a transport path;
opening the envelopes along an edge;
manually extracting a transaction from an opened envelope;
manually feeding the extracted transaction to an imaging station wherein the step of manually feeding the transaction to an imaging station comprises dropping the removed document toward a transport; and
scanning the extracted transaction to create image data for the transaction.
18. (Original) The method of claim 17 comprising the step of storing the image data on a non-volatile image medium.
19. (Original) The method of claim 17 comprising the step of determining whether the transaction is extracted from the envelope, and controlling advancement of the envelope in response to the determination of whether the transaction is extracted.
20. (Original) The method of claim 17 wherein the step of scanning comprises the step of scanning the documents to obtain optical image data corresponding to the documents.
21. (Original) The method of claim 17 wherein the step of scanning comprises the step of scanning the documents to obtain magnetic image data corresponding to the documents.
22. (Original) The method of claim 17 wherein the step of imaging comprises the

steps of scanning the documents to obtain magnetic and optical image data, and the method comprises the step of analyzing the optical and magnetic image data to verify the accuracy of the image data.

23. (Original) The method of claim 18 wherein the step of opening the envelopes comprises cutting the envelopes along at least an edge, and the method comprises the step of pulling apart a front face of the envelope from a back face of the envelope to present the transaction to an operator for extraction.
24. (Previously Presented) The method of claim 18 comprising the step of pulling one face of the envelope away from a second face of the envelope while the envelope is retained at the pre-determined position.
25. (Previously Presented) An apparatus for processing mail, comprising:
 - an input bin for receiving a stack of envelopes containing a document;
 - a transport operable to convey an envelope along an envelope path;
 - a cutter for cutting an edge of the envelopes;
 - an extractor positioned along the envelope path and configured to open each envelope while the envelope is stopped along the envelope path and present the document to an operator for manual removal;
 - a sensor operable to detect removal of the document from the envelope;
 - a system controller operable to control the transport in response to a signal from the sensor indicative of the document being removed from the envelope;
 - and
 - an imaging device for scanning the extracted document to create a set of image data; wherein the imaging device comprises an input configured to receive one or more documents manually fed to the input.
26. (Canceled)
27. (Previously Presented) The apparatus of claim 25 comprising a non-volatile storage medium for receiving and storing the image data.

28. (Previously Presented) The apparatus of claim 25 wherein the imaging device comprises an optical imaging device for obtaining optical image data corresponding to the extracted documents.
29. (Previously Presented) The apparatus of claim 25 wherein the imaging device comprises a magnetic imaging device for obtaining magnetic image data corresponding to the extracted documents.
30. (Previously Presented) An apparatus for processing mail, comprising:
an input bin for receiving a stack of envelopes containing document;
a cutter for cutting an edge of an envelope from the stack;
an extractor configured to move a face of the envelope away from the other face of the envelope to present the contents of the envelope to an operator for manual removal;
a transport for transporting the envelope along an envelope path.
a system controller operable to control the transport while the envelope face is moved away to present the contents for manual removal;
an imaging device for scanning the extracted documents to create a set of image data; and
a second transport configured to receive documents manually fed to the second transport and transport the documents to the imaging device.
31. (Canceled)
32. (Previously Presented) The apparatus of claim 30 comprising a non-volatile storage medium for receiving and storing the image data.
33. (Previously Presented) The apparatus of claim 30 wherein the imaging device comprises an optical imaging device for obtaining optical image data corresponding to the extracted documents.
34. (Previously Presented) The apparatus of claim 30 wherein the imaging device

comprises a magnetic imaging device for obtaining magnetic image data corresponding to the extracted documents.

35. (Previously Presented) The apparatus of claim 30 wherein the system controller is operable to control the transport to automatically advance the envelope away from the extractor after the contents are removed from the envelope.
36. (Previously Presented) A method for processing envelopes containing transactional documents, comprising the steps of:
feeding an envelope from a stack of envelopes in an input bin into a transport path;
severing the envelope along an edge;
stopping the forward advancement of the envelope;
opening the envelope by moving one face of the envelope away from the other face of the envelope while the envelope is stopped;
extracting a document from the opened envelope while the envelope is stopped;
manually feeding the extracted document to a transport;
transporting the extracted document along the transport to an imaging station adjacent the pre-determined position; and
scanning the extracted documents to create image data for the documents.
37. (Previously Presented) The method of claim 36 comprising the step of storing the image data on a non-volatile image medium.
38. (Previously Presented) The method of claim 36 comprising the steps of determining whether the transaction is extracted from the envelope, and controlling advancement of the envelope in response to the determination of whether the transaction is extracted.
39. (Previously Presented) The method of claim 36 wherein the step of scanning comprises the step of scanning the documents to obtain optical image data corresponding to the documents.

40. (Previously Presented) The method of claim 36 wherein the step of scanning comprises the step of scanning the documents to obtain magnetic image data corresponding to the documents.
41. (Previously Presented) The method of claim 36 wherein the step of imaging comprises the steps of scanning the documents to obtain magnetic and optical image data, and the method comprises the step of analyzing the optical and magnetic image data to verify the accuracy of the image data.
42. (Previously Presented) The method of claim 36 wherein the step of transporting the document to an imaging station comprises feeding the document to an input nip that engages the document and conveys the document toward the imaging station.
43. (Previously Presented) The method of claim 36 wherein the step of transporting the document toward an imaging station comprises dropping the document toward a second transport that conveys the document toward the imaging station.
- 44-58. (Canceled)
59. (Previously Presented) An apparatus for processing mail, comprising:
a transport operable to convey an envelope along an envelope path;
a cutter for cutting an edge of the envelopes;
an extractor positioned along the envelope path, comprising a pair of opposing arm configured to pull open the envelopes to present the content to the operator and configured to open each envelope and present the content to an operator for manual removal;
a sensor operable to detect removal of content from the envelope;
a system controller operable to control the transport to maintain the envelope at the extractor until the system controller receives a signal from the sensor

indicative of content being removed from the envelope; and
an imaging device for scanning the extracted content to create a set of image data.

- 60. (Previously Presented) The apparatus of claim 59 comprising a transport configured to receive an extracted document that is dropped toward the transport and convey the document toward the imaging device.
- 61. (Previously Presented) The apparatus of claim 59 comprising a non-volatile storage medium for receiving and storing the image data.
- 62. (Previously Presented) The apparatus of claim 59 wherein the imaging device comprises an optical imaging device for obtaining optical image data corresponding to the extracted content.
- 63. (Previously Presented) The apparatus of claim 59 wherein the imaging device comprises a magnetic imaging device for obtaining magnetic image data corresponding to the extracted content.
- 64. (Previously Presented) The apparatus of claim 64 wherein the content comprises one or more documents and the apparatus comprises an image transport for conveying extracted content to the imaging device, and the image transport comprises an input configured to receive a document manually fed to the input.
- 65. (Previously Presented) The apparatus of claim 59 wherein the system controller is operable to control the transport to retain the envelope at a pre-defined position until the system controller receives a signal from the sensor indicative of the document being removed from the envelope.
- 66. (Previously Presented) An apparatus for processing mail, comprising:
an input bin for receiving a stack of envelopes containing contents;
a cutter for cutting an edge of an envelope from the stack;

an extractor comprising a pair of opposing arm configured to pull open the envelopes to present the content to the operator;
a transport for transporting the envelope along an envelope path.
a system controller operable to control the transport so that the envelope is maintained at the extractor while the extractor presents the content for manual removal; and
an imaging device for scanning the extracted content to create a set of image data.

67. (Previously Presented) The apparatus of claim 66 comprising a transport configured to receive an extracted document that is dropped toward the transport and convey the document toward the imaging device.
68. (Previously Presented) The apparatus of claim 66 comprising a non-volatile storage medium for receiving and storing the image data.
69. (Previously Presented) The apparatus of claim 66 wherein the imaging device comprises an optical imaging device for obtaining optical image data corresponding to the extracted content.
70. (Previously Presented) The apparatus of claim 66 wherein the imaging device comprises a magnetic imaging device for obtaining magnetic image data corresponding to the extracted content.
71. (Previously Presented) The apparatus of claim 66 wherein the system controller is operable to control the transport to automatically advance the envelope away from the extractor after the content is removed from the envelope.
72. (Previously Presented) The apparatus of claim 64 wherein the content comprises one or more documents and the apparatus comprises an image transport for conveying extracted content to the imaging device, and the image transport comprises an input configured to receive a document manually fed to the input.

73. (Previously Presented) A method for processing envelopes containing a transaction of one or more documents, comprising the steps of:
feeding envelopes from an input bin into a transport path;
opening the envelopes along an edge;
extracting a transaction from an opened envelope;
retaining the envelopes at a pre-determined position during the step of extracting;
manually feeding the transaction to a transport;
transporting the transaction along the transport to an imaging station adjacent the pre-determined position; and
scanning the extracted transaction to create image data for the transaction.
74. (Previously Presented) The method of claim 73 comprising the step of storing the image data on a non-volatile image medium.
75. (Previously Presented) The method of claim 73 comprising the step of determining whether the transaction is extracted from the envelope, and retaining the envelope at the pre-determined position in response to the determination of whether the transaction is extracted.
76. (Previously Presented) The method of claim 73 wherein the step of scanning comprises the step of scanning the documents to obtain optical image data corresponding to the documents.
77. (Previously Presented) The method of claim 73 wherein the step of scanning comprises the step of scanning the documents to obtain magnetic image data corresponding to the documents.
78. (Previously Presented) The method of claim 73 wherein the step of imaging comprises the steps of scanning the documents to obtain magnetic and optical

image data, and the method comprises the step of analyzing the optical and magnetic image data to verify the accuracy of the image data.

- 79. (Previously Presented) The method of claim 78 wherein the step of opening the envelopes comprises cutting the envelopes along at least an edge, and the method comprises the step of pulling apart a front face of the envelope from a back face of the envelope to present the transaction to an operator for extraction.
- 80. (Previously Presented) The method of claim 78 comprising the step of pulling one face of the envelope away from a second face of the envelope while the envelope is retained at the pre-determined position.
- 81. Cancelled.
- 82. (Previously Presented) The apparatus of claim 25 wherein the input of the imaging device is configured to receive a document dropped toward the image transport.
- 83. (Previously Presented) The apparatus of claim 30 wherein the image transport is configured to receive a document dropped toward the image transport.

REMARKS

In the Office Action dated June 26, 2008, the Examiner rejected claims 17-25, 27-30 and 32-43 and 59-83. Applicants request that the Examiner reconsider the rejection in light of the following discussion.

With respect to the rejection of claims 17-25, 27-30, 32-43 and 59-83 based on Stevens '273 in view of Miller 5,147,169, Robertson 6,230,471, or DeWitt 5,052,168, the Examiner's proposed rational for combining the references simply has no basis in the teaching or the real world application or what one of ordinary skill in the art would do. The reasoning that it would be obvious to incorporate certain features of the Stevens '273 automated system, omit certain subassemblies, which are picked and chosen according to a criteria that the Examiner has selected, and then add in certain select manual assemblies in order to save cost is simply made up. There is no way that one of skill would mix and match automated and manual procedures in the way that the Examiner has attempted to do so. Further still, such mixing and matching would create a system that would be much more expensive than a manual system, but only marginally faster. In short, there is simply no basis in the references for the mixing and matching proposed by the Examiner.

The Examiner's argument appears to be that since many of the features of Applicant's system were know in the art, the combination is obvious. But it is clearly established that a combination of known features can be patentable over the individual known systems. The Examiner seems to think that incorporating manual features into a processing system is a step back in the art. That simply is not true. In the present instance, it is the combination of features in a particular way to address a shortcoming in the known systems that has existed for quite some time. This combination as recited in the claims is quite different from the known systems, and is patentably distinct. Accordingly, Applicants request that the Examiner reconsider the recited combinations that are neither taught nor suggested by the references of record.

Further still, the combination of Stevens '273 in view of Robertson

6,230,471 is not a proper rejection because Robertson was filed on June 6, 1997 whereas the present application claims priority back to 1996. Therefore, Robertson '471 is not properly citable, so that the combination of Stevens and Robertson is not properly citable. The combination of Stevens '273 and Robertson '471 are the only pending rejections of claims 59-83 and the features of claim 81 have been incorporated into claim 17. Accordingly, for this additional reason, claims 17-24, 59-80 and 82-83 are allowable over the prior art of record.

In light of the foregoing, Applicant believes that this application is in form for allowance. The Examiner is encouraged to contact Applicant's undersigned attorney if the Examiner believes that issues remain regarding the allowability of this application.

Respectfully submitted,

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